

Original

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ FEB 27 2007 ★
BROOKLYN OFFICE

DENISE P. JACKSON

Plaintiff

06 CV 06173 (ENV) (LV)

PLAINTIFF'S
AFFIRMATION
IN OPPOSITION TO
DEFENDANT'S MOTION
TO DISMISS THE
COMPLAINT

-against-

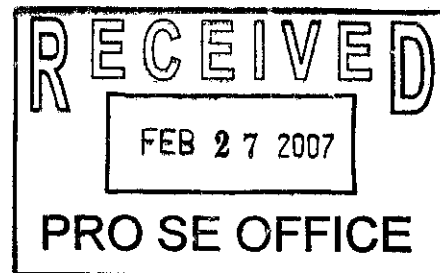
NEW YORK CITY DEPARTMENT
OF EDUCATION and UNITED FEDERATION
OF TEACHERS (NEW YORK)

Defendants.

STATE OF NEW YORK

SS.

COUNTY OF KINGS



Denise P. Jackson affirms the following under penalty of perjury:

1. I am the plaintiff in this action, and I respectfully submit this affirmation in opposition to the motion dated, February 7, 2007, made by the United Federation of Teachers (New York).
2. I have personal knowledge of facts which bear on this motion.
3. This motion should be denied because the Court does have subject matter jurisdiction as well as personal jurisdiction as Article III of the United States Constitution provides. Moreover, the inference to the United Federation of Teachers' (New York) complicity in this complaint was clarified and verified through exhibits and deposition (see complaint). Further, the United Federation of Teachers (New York) included and implicated itself when acting in lieu of the New York City Department of Education when it beguiled the court into believing that I give permission to over throw the Court's order made on December 5, 2006. This order extended the time for the New York City Department of Education to respond to the complaint from December 11, 2006, until January 23, 2007. Never did I agree to neither compound my task nor disrespect through usurpation, the

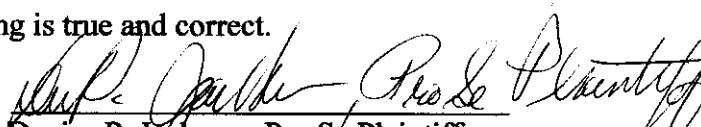
Court's order that was delivered on December 5, 2006. More to the point, the United Federation of Teachers (New York) solidifies its positions as an extension, legitimizor and instrument of the New York City Department of Education when it includes the aforementioned department as a recipient of court documents. It appears to both the naked and trained eye that the United Federation of Teachers (New York) is trying to have it both ways through its egregious usufruct.

4. When the United Federation of Teachers' (New York) suggests that I do not state a claim, it ignores some of the legal definitions of "claim": (1) a basis for demanding something; (2) a title or right. The complaint itself exemplifies one and/or both of the aforementioned definitions.
5. There is ample documentation and evidence that substantiates not only a violation of the duty of fair representation, which the United Federation of Teachers (New York) has clearly exhibited; it also exhibited legitimizing the unfair practices of an organization of which it is contracted to guard against as well as, duplicity and complicity with this same organization. Thus, time-barring is not a cogent statue to use as grounds for dismissal with this complaint.

In view of the foregoing, it is respectfully submitted that the motion should be denied.

I declare under penalty of perjury that the foregoing is true and correct.

February 26, 2007
Brooklyn, New York


Denise P. Jackson, Pro Se Plaintiff

Denise P. Jackson
9728 3rd Avenue, #203
Brooklyn, New York 11209

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

Affirmation of Service

Denise P. Jackson

Plaintiff,

06 CV 06173 (ENV) (LB)

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION and UNITED FEDERATION
OF TEACHERS (NEW YORK)

Defendants

-----X

I, Denise P. Jackson, declare under penalty of perjury that I have served a copy of the attached affirmation in opposition to defendant's motion upon: Damon S. Levenstein, Esq. ,United Federation of Teachers (New York) whose address is 52 Broadway – 9th Floor, New York, NY 10004-1603.

Dated: February 26, 2007
Brooklyn , New York


Denise P Jackson

9728 3rd Avenue, #203
Brooklyn, NY 11209
718+564-9953



MICHAEL A. CARDOZO
Corporation Counsel

**THE CITY OF NEW YORK
LAW DEPARTMENT**
100 CHURCH STREET
NEW YORK, NY 10007

CAROLYN WALKER-DIALLO
Labor and Employment Law Division
Phone: (212) 788-0868
Fax: (212) 788-8877
E-mail: cwalker@law.nyc.gov

December 5, 2006 **Application Granted**

SO ORDERED

Brooklyn, New York

Dated: DEC 5, 2006

Eric N. Vitaliano

Eric N. Vitaliano

Re: Jackson v. New York City Department of Education **United States District Judge**
06 CV 06173 (ENV) (LB)

Dear Judge Vitaliano:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to defend the above referenced matter on behalf of the New York City Department of Education. I write to respectfully request that defendant's time to respond to the complaint be extended from December 11, 2006, until January 23, 2007. This is the defendant's first request for an extension of time.

I have discussed this extension with plaintiff *pro se* but she refuses to consent to the extension on the basis that she would prefer that the law suit move forward. While defendant's appreciate plaintiff's position, defendant's need the additional time to investigate the allegations set forth in the complaint, gather documents, and to prepare an appropriate response to the complaint.

I appreciate the Court's attention to this matter.

Respectfully submitted,

Carolyn Walker-Diallo
Carolyn Walker-Diallo (CW 9022)
Assistant Corporation Counsel

cc: Denise P. Jackson
Plaintiff *Pro Se*
9728 3rd Avenue, #203
Brooklyn, NY 11209
(By Mail)

cll

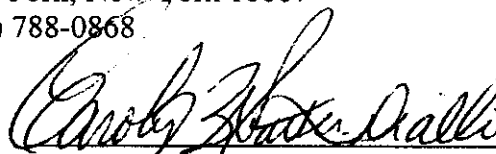
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WHEREFORE, defendant requests judgment dismissing the Complaint and denying all relief requested therein, and that the Court grant defendant costs, fees, and disbursements, together with such other and further relief as the Court deems just and proper.

Dated: New York, New York
February 7, 2007

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendant, the New York City
Department of Education
100 Church Street, Room 2-138
New York, New York 10007
(212) 788-0868

By:



Carolyn Walker-Diallo (CW 9022)
Assistant Corporation Counsel

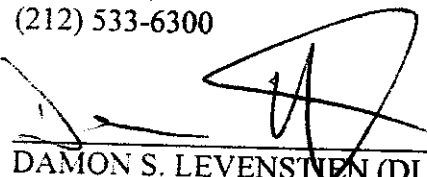
To: Denise P. Jackson
Plaintiff *Pro Se*
9728 3rd Avenue, #203
Brooklyn, NY 11209

motion papers shall be filed until the motion has been fully "briefed" and that the undersigned attorney for the moving party shall be responsible for filing all original motion papers in defendant United Federation of Teachers' motion to dismiss with cover letter, and shall furnishing a full set of courtesy copies to chambers.

Dated: New York, New York
February 8, 2007

JAMES R. SANDNER
Attorney for Defendants
52 Broadway - 9th Floor
New York, NY 10004
(212) 533-6300

By:


DAMON S. LEVENSTIEN (DL 8110)
Of Counsel

To: Denise Jackson
Pro Se Plaintiff
9728 3rd Avenue, #203
Brooklyn, New York 11209

Carolyn Walker-Diallo, Esq.
New York City Law Department
Attorney for Defendant New York City
Department of Education
100 Church Street
New York, NY 10007

Albany

Janet Axelrod
Associate General Counsel

Richard E. Casagrande
Associate General Counsel

New York

Claude I. Hersh
Associate General Counsel

Stuart I. Lipkind
Associate General Counsel

Richard A. Shane
Associate General Counsel

January 2, 2007

Honorable Vitaliano
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Honorable Bloom
United States District Court Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Jackson v. New York City Department of Education and United Federation of Teachers
Docket No.: CV 06-6173 (ENV) (LB)
Our File No.: 59491-F150

Dear Judge Vitaliano and Judge Bloom:

This office represents defendant United Federation of Teachers ("UFT"), in the above-referenced civil action. Please find a courtesy copy of the proposed briefing schedules.

Very truly yours,

JAMES R. SANDNER

By: Damon S. Levenstien
DAMON S. LEVENSTIEN
Associate Counsel

DSL/da
cc: Denise Jackson, pro se plaintiff

NYCLegal:104216

52 Broadway, 9th Floor ■ New York, N.Y. 10004 ■ (212) 533-6300

New York State United Teachers
Affiliated with • AFT • NEA • AFL-CIO



Albany

Janet Axelrod
Associate General Counsel

Richard E. Casagrande
Associate General Counsel

New York

Claude I. Hersh
Associate General Counsel

Stuart I. Lipkind
Associate General Counsel

Richard A. Shane
Associate General Counsel

January 2, 2007

Original Filed by ECF

Docket Number 12

Honorable Vitaliano
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Jackson v. New York City Department of Education and United Federation of Teachers
Case No.: CV 06-6173 (ENV) (LB)
Our File No.: 59491-F150

Dear Judge Vitaliano:

This office represents defendant United Federation of Teachers ("UFT") in the above-referenced civil action. I am writing pursuant to Your Honor's Order, dated December 12, 2006, directing all parties to agree to a single briefing schedule to be So Ordered by the Court.

Having spoken with defendant New York City Department of Education's counsel, and with Plaintiff today, we agreed to the following proposed briefing schedule to be filed in accordance with Your Honor's Individual Motion Practice and Rules:

- Defendants are to serve their respective motions to dismiss, along with supporting papers, on or before February 9, 2007.
- Plaintiff is to serve opposition papers on or before March 9, 2007.
- Defendants are to serve reply papers, if any, on or before March 23, 2007.

Respectfully submitted,

JAMES R. SANDNER

By: 
DAMON S. LEVENSTIEN
Associate Counsel

SO ORDERED: Honorable Eric N. Vitaliano, U.S.D.C.J.

cc: Denise Jackson, pro se plaintiff
DSL/da

NYCLegal:104201.1

52 Broadway, 9th Floor ■ New York, N.Y. 10004 ■ (212) 533-6300
New York State United Teachers
Affiliated with • AFT • NEA • AFL-CIO

